UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,843	08/11/2003	Elke Wiggeshoff	50T5424.01/1661	4453

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EXAMINER
LONG, ANDREA NATAE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/638,843	Applicant(s) WIGGESHOFF ET AL.
	Examiner Andrea N. Long	Art Unit 2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>24 February 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-45</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176

/Andrea N Long/
Examiner, Art Unit 2176

Continuation of 11. does NOT place the application in condition for allowance because:

Amending independent claims 1, 41, and 42 to include the limitaiton "in a non-overlapping manner" significantly changes the scope of the claims when interpreted as a whole and would therefore require further search and/or consideration. Additionally Applicant's proposed amendement raise the question as to sufficient disclosure exists in support of said amendment, which a 112 first paragraph may be present.

The rejection of claims 1 and 41-43 under 35 U.S.C. 112, first paragragh stands. While the Applicant is arguing that the "subwidgets" are generated only in response to widget selection input from a device user. The specification is still lacking the disclosure of the "main widget" which is included in the limitation are being genrated only in response to widget selection.

Applicant asserts that Roskind teaches away from Applicants' invention.
The Examiner disagrees.
While some of the functions of Roskind's such as receiving alerts may not require human intervention. There are multiple instance where human intervention is necessary in order to interface with the system such as selecting the various widgets that are present in Roskind's invention. Therefore Roskind does not teach away from Applicant's invention.

Applicant asserts that Roskind's manipulation of a user interface to initiate instant messaging communications with the buddy does not read on Applicants' "main widget", "connect widget", and "alert widget" that perform a significantly greater number of user interface functions.
The Examiner disagrees.
It is noted that the citing of Roskind's background is used to show in regard to teaching selectively generating a main widget, that a user can initiate the displaying of a main widget. Further Roskind teaches a user interacting by selecting buddies to send messages back and forth to. Also it should be noted that the greater number of user interface functions that the Applicant relies on as not being taught by Roskind is currently not positively recited in the claims.

Applicant asserts that the use of Roskind's background section conflicts directly with the primary teachings of Roskind.
The Examiner disagrees.
The combination of Roskind's background with his primary teachings would provide greater functionality by providing multiple methods for users to interact with the system.

Applicant asserts that Roskind is silent with respect to how any such user interface might be generated and further only discloses two different interface windows or widgets.
The Examiner disagrees.
Roskind teaches a user selecting a representation with is displayed on the widget. Upon selection of the representation an additional widget is generated for the user to additionally interact with. Therefore Roskind reasonably teaches the generating of widgets in response to widget selection from the user.
Additionally while Cohen is used to teach multiple widgets as separate parts of the user interface, the Applicant's citation of Roskind teaching at least two different user interface windows provides for additional support and motivation for teaching the limitation of the various widgets generated as separate parts of the user interface.

Applicant asserts that Roskind fails to teach a separate "alert widget" that provides notifications regarding multiple different types of alert states.
The Examiner disagrees.
While Roskind teaches the functionality of alert states within a widget, Cohen is used to teach having individual widgets to perform distinct tasks. The alert system of Roskind provides to types of alerts. The first is the notification to the buddy user to let them know that the user is unavailable and the second is a notification to the user that a buddy has tried to contact them while they were unavailable.

Applicant asserts that Roskind fails to teach "said buddy information including a listing of network service or a buddy resource name".
The Examiner disagrees. The IM, Chat, and Write buttons all perform a network service that a user can engage in with their buddies. It is further noted that Applicant's argument that the limitation "listing corresponding to individual buddies" is not positively recited in the claim. Roskind teaches having multiple "buddy resource names" such as "Co-Workers", and "AOL". The term buddy resource name broadly interpreted can be defined as support for the grouping of screen names, which is provided by Roskind.

Applicant asserts that Roskind fails to teach "said alert messages including any error message, a subscription request for a buddy list, an invitation for sharing content information, a single message in a single message mode, and retrieved content information" or said alert widget functions in a notification mode in which no response is required from a device user, said alert widget alternatively functioning in a decision mode in which a decision is required by said device user to approve or disapprove a particular one of said alert messages.
The Examiner disagrees.
The Examiner is interpreting Roskind teachings of a buddy sending a message to the user and receiving a notification back that the user is not available as an error message. Roskind teaches the finding buddies with similar interests, sharing files, and exchanging IMs with particular buddies, Roskind teaches sending a message to a user if another user tries to contact him/her when they are away which, is a single message sent to the user that does not require a response from the user. Roskind also teaches wherein an action is requested from the first user if a requested action is to take place therefore querying   the system to approve or not approve an alert message.

Applicant asserts the cited references fail to teach said main widget having a series of main tabs that said device user utilizes to temporarily display corresponding respective main interfaces.
The Examiner disagrees.
Becker teaches a main interface having multiple tabs that are selectable by a user to view a specific conversation. The use of Becker's tabbing system along with the functionality of Roskind's features, teach the claimed limitation and should be considered as a whole when interpreting the rejection of the claims.

Applicant asserts that Roskind fails to teach "an info tab" for generating information request to other users.
The Examiner disagrees.
Roskind teaches the functionality of generating information request to other users by displaying the representations which provided general information about the users as well as access to message communications.

Applicant asserts that Roskind fails to teach "said main widget includes a presence tab, a MEET tab, a buddy tab, a content tab, an info tab, and a main window area.
The Examiner disagrees.
As stated above in the rejection of claims 3 and 23, Roskind teaches the functionality of the Applicant's tabs but not the presence of the tabs themselves. Becker is user to provide insight to one skilled in the art that tabs as agreed by the Applicant, is known to be a common method for organizing information. Therefore it is the combination of Roskind and Becker that provides the teaching of the Applicant's invention for providing the functionality of Roskind as tabs to provide greater organization of information for ease of viewing to a user.
Being that Becker's system is based upon an instant messaging system the use of the tabs is therefore already present to those skilled in the art and provides clear existence of obviousness.

Applicant asserts that Roskind fails to teach any sort of specific techniques for editing shareable content information or for viewing a list of previously defined shareable content information.
The Examiner disagrees.
Roskind teaches a host server that stores and interacts with communications such as email, audio, video data etc., which is transferable to other buddies on a network. In additional Roskind teaches that when a user is online, (logged in) the user can exchange IM's with buddies and trade files such as pictures, invitations, or documents.

Applicant asserts that Roskind fails to teach any sort of "request for profile information".
The Examiner disagrees.
Roskind states that contextual information about the buddy can be provided to the program user. Profile information is merely information relating to a buddy.

Applicant asserts that a profile cannot consist of any information that would be pertinent to the system at hand and the combination of the Examiner's knowledge would have not been obvious to one skilled in the art.
The Examiner disagrees.
At the Applicant's request, a reference (definition of a user profile taken from searchsecurity.com, last updated Feb 16, 2001) has been reproduced below as well as being cited on PTO Form 892 for the Applicant's review.

"In Windows NT, a user profile is a record of user-specific data that define the user's working environment. The record can include display settings, application settings, and network connections. What the user sees on his or her computer screen, as well as what files, applications and directories they have access to, is determined by how the network administrator has set up the user's profile."

Applicant asserts that Benejam fails to teach the presence attributes.
The Examiner disagrees.
Benejam allows for the user to set which users are available to see there current status, by allowing the user to specify a list of one or more users to display status.

Applicant asserts that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention with regards to claims 16 and 36.
The Examiner disagrees.
All the references cited for the teaching of claims 16 and 36 are in the same field of endeavor of instant messaging systems. Each reference provided improvements that would eliminate shortcomings in the prior art. Particularly Canfield will enable a user to locate preferred information and service quickly and easily, which is a feature describe in Roskind to locate buddies with similar interests as well as get customized information such as news and stock quotes, and search the World Wide Web.